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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,044	01/29/2004	Gregory Richard Hintermeister	ROC920030050US1	4831

7590 08/14/2006

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EXAMINER	
SINGH, RACHNA	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,044	HINTERMEISTER ET AL.	
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/05/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendments/Remarks filed 06/05/06.

2. Claims 1-21 are pending. Claims 1, 9, 13, and 16 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims have no practical application of a judicial exception as claimed because there is no physical transformation and no production of a concrete, useful and tangible result. The claim fails to produce a tangible result because the computer readable media may be embodied on a signal bearing media as recited in Applicant's specification on page 3.

Further, claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy

or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a computer readable media such as a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101.

.5. Consequently, the claims are nonstatutory.

6. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to make them statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 7-11, and 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Munro et al., US 2002/0089549 A1, July 11, 2002.

In reference to claim 1, Munro teaches a method, apparatus, and system for accessing images from the Internet on a webpage where the web page is written in XML, the browser displays the image in the web page. See page 1, paragraphs [0003]-[0008]. Compare to ***a method of displaying a web page***. Munro discloses the following:

-A multiple-image viewer supporting the display of images having multiple levels of resolution. See page 5, pargraph [0049]. Multiple images can make up a composition of thumbnail type images for simultaneous display in a browser window. See page 1, paragraph [0008]. *A file structure comprises a series of sub-images*, each one being a predetermined portion of the size of its predecessor which meets the limitation, ***receiving a multi-image file, the multi-image file comprising a plurality of images adapted for cooperative display***. See page 5, paragraphs [0049]-[0050].

-Using standard HTML language to insert images into web pages. Images being displayed using a web browser a page description language such as XML or HTML defines how to display these images. Standard HTML allows images of various types to be inserted into a web page using the HTML tag "IMG" which meets the limitation ***receiving a web page containing markup language tag, the markup language tag***

comprising code specifying which of the plurality of images should be displayed; and displaying the web page. See page 3, paragraph [0029] and page 1, paragraph [0004].

In reference to claim 7, Munro teaches storing multiple images in a single image file. The multiple images can make up a composition of thumbnail type images for simultaneous display in a browser window. See page 1, paragraph [0008]. The bitmap image has a hierarchal system of folders associated with the bitmap image. See page 1, paragraph [0009]. Compare to "menu".

In reference to claim 8, Munro teaches the using standard HTML language to insert images into web pages. Images being displayed using a web browser a page description language such as XML or HTML defines how to display these images. Standard HTML allows images of various types to be inserted into a web page using the HTML tag "IMG". See page 3, paragraph [0029] and page 1, paragraph [0004].

In reference to claim 9, Munro teaches a method, apparatus, and system for accessing images from the Internet on a webpage where the web page is written in XML, the browser displays the image in the web page. See page 1, paragraphs [0003]-[0008]. Compare to ***a web page***. Munro discloses the following:
-Storing multiple images in a single image file. The multiple images can make up a composition of thumbnail type images for simultaneous display in a browser window.

See page 1, paragraph [0008]. *A file structure comprises a series of sub-images*, each one being a predetermined portion of the size of its predecessor which meets the limitation, ***receiving a multi-image file, the multi-image file comprising a primary image and at least one secondary image adapted for cooperative display***. See page 5, paragraphs [0049]-[0050].

-Using standard HTML language to insert images into web pages. Images being displayed using a web browser a page description language such as XML or HTML defines how to display these images. Standard HTML allows images of various types to be inserted into a web page using the HTML tag "IMG" which meets the limitation, ***receiving a web page containing markup language tag, the markup language tag comprising code specifying which of the plurality of images should be displayed.*** See page 3, paragraph [0029] and page 1, paragraph [0004].

In reference to claims 10-11, Munro discloses allowing images of various types to be inserted into a web page using the HTML tag "IMG". See page 3, paragraph [0029] and page 1, paragraph [0004]. In one embodiment, the request for data is performed using a HTTP `GET` command that specifies the URL of each image (i.e. descriptor or image name). In an embodiment, the default is to obtain the entire full size image (default size).

In reference to claim 13, Munro teaches a method, apparatus, and system for accessing images from the Internet on a webpage where the web page is written in XML, the browser displays the image in the web page. See page 1, paragraphs [0003]-[0008]. Compare to ***a method for displaying images***. Munro discloses the following: -Storing multiple images in a single image file. The multiple images can make up a composition of thumbnail type images for simultaneous display in a browser window. See page 1, paragraph [0008]. Compare to ***"receiving a multi-image file, the multi-image file comprising a primary image and at least one secondary image;"*** -Using standard HTML language to insert images into web pages. Images being displayed using a web browser a page description language such as XML or HTML defines how to display these images. Standard HTML allows images of various types to be inserted into a web page using the HTML tag "IMG". See page 3, paragraph [0029] and page 1, paragraph [0004]. Compare to ***"selecting an image for display from the multi-image file; and displaying the selected image"***.

In reference to claims 14-15, Munro discloses allowing images of various types to be inserted into a web page using the HTML tag "IMG". See page 3, paragraph [0029] and page 1, paragraph [0004]. In one embodiment, the request for data is performed using a HTTP `GET` command that specifies the URL of each image (i.e. descriptor or image name). In an embodiment, the default is to obtain the entire full size image (default size).

In reference to claim 16, Munro teaches the multiple-image viewer also relates to apparatus for performing the operations herein. This apparatus may be specially constructed for the required purposes, or it may comprise a general purpose computer selectively activated or reconfigured by a computer program stored in the computer. Such a computer program may be stored in a computer readable storage medium, such as, but is not limited to, any type of disk including floppy disks, optical disks, CD-ROMs, and magnetic-optical disks, read-only memories (ROMs), random access memories (RAMs), EPROMs, EEPROMs, magnetic or optical cards, or any type of media suitable for storing electronic instructions, and each coupled to a computer system bus. Munro teaches a method, apparatus, and system for accessing images from the Internet on a webpage where the web page is written in XML, the browser displays the image in the web page. See page 1, paragraphs [0003]-[0008]. Compare to ***a program configured to perform a method for rendering images in a computer system.*** Munro discloses the following:

-Storing multiple images in a single image file. The multiple images can make up a composition of thumbnail type images for simultaneous display in a browser window. See page 1, paragraph [0008]. *A file structure comprises a series of sub-images*, each one being a predetermined portion of the size of its predecessor which meets the limitation, ***receiving a multi-image file, the multi-image file comprising a plurality of images including a primary image and at least one secondary image.*** See page 5, paragraphs [0049]-[0050].

-Using standard HTML language to insert images into web pages. Images being displayed using a web browser a page description language such as XML or HTML defines how to display these images. Standard HTML allows images of various types to be inserted into a web page using the HTML tag "IMG". See page 3, paragraph [0029] and page 1, paragraph [0004]. Compare to ***"selecting an image for display from the multi-image file; and displaying the selected image"***.

- Portions of the detailed descriptions which follow are presented in terms of algorithms and symbolic representations of operations on data bits within a computer memory. These algorithmic descriptions and representations are the means used by those skilled in the data processing arts to most effectively convey the substance of their work to others skilled in the art. An algorithm is here, and generally, conceived to be a self-consistent sequence of steps leading to a desired result. The steps are those requiring physical manipulations of physical quantities. Usually, though not necessarily, these quantities take the form of electrical or magnetic signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It has proven convenient at times, principally for reasons of common usage, to refer to these signals as data bits, values, elements, symbols, characters, terms, numbers, or the like. See page 2, paragraphs [0022]-[0025]. Compare to ***"a signal bearing media bearing the program"***.

In reference to claim 17, Munro teaches a method, apparatus, and system for accessing images from the Internet on a webpage where the web page is written in XML, the browser displays the image in the web page. See page 1, paragraphs [0003]-[0008].

In reference to claim 18, Munro teaches portions of the detailed descriptions are presented in terms of algorithms and symbolic representations of operations on data bits within a computer memory. These algorithmic descriptions and representations are the means used by those skilled in the data processing arts to most effectively convey the substance of their work to others skilled in the art. An algorithm is here, and generally, conceived to be a self-consistent sequence of steps leading to a desired result. The steps are those requiring physical manipulations of physical quantities. Usually, though not necessarily, these quantities take the form of electrical or magnetic signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It has proven convenient at times, principally for reasons of common usage, to refer to these signals as data bits, values, elements, symbols, characters, terms, numbers, or the like. It should be borne in mind, however, that all of these and similar terms are to be associated with the appropriate physical quantities and are merely convenient labels applied to these quantities. Unless specifically stated otherwise as apparent from the following discussion, it is appreciated that throughout the description, discussions utilizing terms such as "processing" or "computing" or "calculating" or "determining" or "displaying" or the like, refer to the action and

processes of a computer system, or similar electronic computing device, that manipulates and transforms data represented as physical (electronic) quantities within the computer system's registers and memories into other data similarly represented as physical quantities within the computer system memories or registers or other such information storage, transmission or display devices. See page 2, paragraphs [0022]-[0025].

In reference to claims 19 and 21, Munro teaches Images can be placed in separate layers; the upper layer will overlay the lower one when there is an overlap. See page 4-5, paragraph [0044].

In reference to claim 20, Munro discloses that the multiple-image viewer allows multiple images to be displayed wherein the images are in alternate versions. See pages 2-3.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munro et al., US 2002/0089549 A1, July 11, 2002 in view of Miller et al., US 2005/0185055 A1, 08/25/05 (filed 12/08/00).

In reference to claims 5-6, Munro does not teach the event is a mouse-over event; however, Miller does. Miller teaches user instructions are also displayed, to tell the user to click on the "nicest looking" small picture, which then appears in the preferred image window. The user uses a standard input device, such as the mouse, to make this selection in block. For example, if the user preferred the appearance of the image with lower than normal contrast, the user would click on image. In response, the CPU would update the display on the display monitor so that the image displayed in preferred image window had lower than normal contrast, matching the contrast of the selected image, and move the indicator to surround image. At this point, the user can select a different image from among images, in order to display images with other appearances as large images in the preferred image window, or the user can select the "done" icon. See page 4, paragraph [0036]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a mouse-over event as a means for displaying a second image because it enables interactive functions to be used by the user allowing them to carry out image manipulations. See page 4, paragraph [0036].

11. Claims 2-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munro et al., US 2002/0089549 A1, July 11, 2002 in view of Tucker et al., US 2004/0049598 A1, 03/11/04 (filed 02/23/01).

In reference to claims 2-4 and 12, Munro does not teach an information header containing an image name for each image; however, Tucker discloses an image data header. See figure 12, 1216. The image data header supports multiple images of multiple types. The image descriptor follows the image header and describes the image data. See pages 7-8, paragraphs [0058]-[0061]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Tucker's image header in the system of Munro as it provides information about images located in the file in a manner that is efficient and quickly visible. See abstract and pages 7-8, paragraphs [0058]-[0061].

Response to Arguments

12. Applicant's arguments filed 06/05/06 have been fully considered but they are not persuasive.

Applicant argues the present invention contains multiple independent image sin a single file and not multiple files. Examiner points to page 5, paragraphs [0049]-[0050] of Munro, where he discusses that images are stored in a file structure comprising a series

of sub-images representing different sizes/resolutions of the same image which meets the limitation *multi-image file*.

In view of the comments above, the rejection is maintained.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
08/07/06

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